

REMARKS

By the above amendment, an informality in the specification has been corrected and claims 4 - 15 have been amended, where appropriate in order to clarify features of the present invention, as will be discussed below.

With respect to the drawing objection that the drawing submission of the "axial intervals" recited in claims 5, 7, 9, 11, 13 and 15, applicants note that by the present amendment of claims, the axial intervals as recited in such claims have been amended to clarify that the axial intervals between those, constituting part of the second ventilating circuit, of the ventilating ducts are smaller than axial intervals between those, constituting part of the first ventilating circuit, of the ventilating ducts. Referring to Figure 9 of the drawings of this application and corresponding description at page 24, line 10 to page 25, line 12, for example, it is described that the embodiment of Figure 9 includes the feature that the "axial interval between two adjacent ventilating ducts 5 provided in the stator iron core 2 is set at a large value in a first ventilating circuit 29 and is set at a small value in each of second and third ventilating circuits 30 and 31" (emphasis added). Looking to Figure 9, and the first ventilating circuit 29 in which the cooler 28a may be considered to subtend the ventilating ducts 5 thereof, and looking to the ventilating ducts 5 subtended by the cooler 28b and 28c, for example, representative of at least the second ventilating circuit 30, it is apparent that the spacing or axial interval between the ventilating ducts 5 for at least the ventilating circuit 30 is smaller than that spacing or axial interval between the ventilating ducts 5 of the ventilating circuit 29. Thus, applicants submit that the drawings now illustrate the feature as now recited in the claims of this application and further illustration is considered unnecessary. Accordingly, applicants submit that the objection to the drawings should now be overcome and acceptance of the drawings as submitted is respectfully requested.

With respect to the rejection of claims 5, 7, 9, 11, 13 and 15 under 35 USC 112, second paragraph, as being indefinite, as noted above, by the present amendment, such claims have been amended to more properly recite the axial interval of the ventilating ducts of the second ventilating circuit is smaller than axial intervals between the ducts of the first ventilating circuit, as illustrated in Fig. 9 and described in the specification of this application. Accordingly, applicants submit that this rejection under 35 USC 112, second paragraph, should now be overcome.

As to the rejection of claims 4, 5, 8, 9, 10 and 11 under 35 USC 102(b) as being anticipated by Armor et al (4,264,834); the rejection of claims 6, 7, 12 and 13 under 35 USC 103(a) as being unpatentable over Armor et al in view of Kitabayashi et al (4,306,165); and the rejection of claims 14 and 15 under 35 USC 103(a) as being unpatentable over Armor et al in view of Turner (3,571,635), such rejections are traversed insofar as they are applicable to the present claims and reconsideration and withdrawal of the rejections are respectfully requested.

As to the requirements to support a rejection under 35 USC 102, reference is made to the decision of In re Robertson, 49 USPQ 2d 1949 (Fed. Cir. 1999), wherein the court pointed out that anticipation under 35 U.S.C. §102 requires that each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. As noted by the court, if the prior art reference does not expressly set forth a particular element of the claim, that reference still may anticipate if the element is "inherent" in its disclosure. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." Moreover, the court pointed out that inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

With regard to the requirements to support a rejection under 35 USC 103, As to the requirements to support a rejection under 35 USC 103, reference is made to the decision of In re Fine, 5 USPQ 2d 1596 (Fed. Cir. 1988), wherein the court pointed out that the PTO has the burden under '103 to establish a prima facie case of obviousness and can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. As noted by the court, whether a particular combination might be "obvious to try" is not a legitimate test of patentability and obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. As further noted by the court, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.

Furthermore, such requirements have been clarified in the recent decision of In re Lee, 61 USPQ 2d 1430 (Fed. Cir. 2002) wherein the court in reversing an obviousness rejection indicated that deficiencies of the cited references cannot be remedied with conclusions about what is "basic knowledge" or "common knowledge".

The court pointed out:

The Examiner's conclusory statements that "the demonstration mode is just a programmable feature which can be used in many different device[s] for providing automatic introduction by adding the proper programming software" and that "another motivation would be that the automatic demonstration mode is user friendly and it functions as a tutorial" do not adequately address the issue of motivation to combine. This factual question of motivation is immaterial to patentability, and could not be resolved on subjected belief and unknown authority. It is improper, in determining whether a person of ordinary skill would have been led to this combination

of references, simply to "[use] that which the inventor taught against its teacher."... Thus, the Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion. (emphasis added)

Before discussing the cited art, applicants note that the claims of this application have been amended to clarify the features of the present invention, again referring to Figure 9, for example, and claim 4 of a first ventilating circuit, represented by 29, in which coolant boosted by the fan 13 is introduced from the inner peripheral side of the stator core 2 into some of the ventilating passages and is thereafter cooled by some of the coolers represented by the cooler 28a, for example. On the other hand, a second ventilating circuit as represented by the ventilating circuit 30 in which the coolant is boosted by the fan 13, as shown by the broken line path thereof, after passing through the fan 13 is delivered to the cooler 28b so as to be initially cooled by the cooler 28b and is thereafter allowed thereafter to flow to the stator iron core 2 in the direction from the outer peripheral side to the inner peripheral side of the stator iron core via some of the ventilating passages, wherein at least one of the plurality of ventilating passages which communicates with a central portion of the stator iron core constitutes part of the second ventilating circuit 30. Applicants note that the other independent claims have been amended in a similar manner and recite the aforementioned features, which features are not disclosed or taught by Armor et al or the other cited art in the sense of 35 USC 102 or 35 USC 103, as will become clear from the following discussion.

Irrespective of the Examiner's position concerning Armor et al, applicants submit that it is readily apparent that the coolant flow path in Armor et al is such that irrespective of whether the flow is provided in accordance with a first ventilating circuit 13 in which the coolant boosted by the fan is introduced from the inner peripheral side of the stator iron core into some of the ventilating passages and is

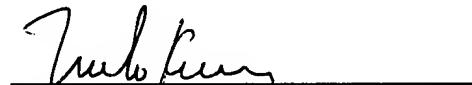
cooled by some of the coolers, the same flow path is provided for the second ventilating circuit 14 (left, middle, right) in which the coolant boosted by the fan 17 or 18 flows in a direction from the outer peripheral side to the inner peripheral side of the stator iron core and is thereafter cooled by a cooler 16. Reference is made to the attached Sketch which shows the flow path in accordance with the present invention and in accordance with Armor et al. That is, in accordance with the disclosure and teaching of Armor et al, only after passage through a ventilating duct, whether from the inner peripheral side to the outer peripheral side or from the outer peripheral side to the inner peripheral side, the coolant then flows to a cooler 16 for cooling prior to being boosted by a fan 17 or 18. In contradistinction, the present invention provides that in the second ventilating circuit, the coolant boosted by the fan (13) in Fig. 9 of the drawings of this application, is initially cooled by the cooler 28b, for example, and is thereafter allowed to flow to the stator iron core in the direction from the outer peripheral side to the inner peripheral side via some of the ventilating passages, and at least one of the plurality of ventilating passages which communications with a central portion of the stator iron core constitutes part of the second ventilating circuit. It is noted that in accordance with the flow path illustrated, the flow path for the second ventilating circuit passes through the ends of the stator windings which are a heat source in which often raises the temperature of the coolant 20 to 30 degrees higher, whereby by passing such elevated temperature coolant through the cooler prior to passage through the stator iron core, provides more effective cooling (see attached Sketch). Applicants submit that such features are now recited in each of the independent claims of this application and are contrary to the disclosure of Armor et al such that all claims patentably distinguish over Armor et al in the sense of 35 USC 102 and/or 35 USC 103 and should be considered allowable thereover.

As to the patents to Kitabayashi et al and Turner et al, irrespective of the position set forth by the Examiner, these patents do not overcome the deficiencies of Armor et al as described above such that applicants submit that the combination fails to provide the claimed features as set forth in the independent and dependent claims of this application in the sense of 35 USC 103 and all claims patentably distinguish over the combination of references suggested by the Examiner.

In view of the above amendments and remarks, applicants submit that all claims present in this application patentably distinguish over the cited art and should now be in condition for allowance.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (503.38383CC2) and please credit any excess fees to such deposit account.

Respectfully submitted,



Melvin Kraus
Registration No. 22,466
ANTONELLI, TERRY, STOUT & KRAUS, LLP

MK/jla
(703) 312-6600
Attachment



SKETCH I

Present Invention

